

COUNTY OF YORK

MEMORANDUM

DATE: March 2, 2004 (3/10/04 PC Mtg.)

TO: York County Planning Commission

FROM: J. Mark Carter, Assistant County Administrator

SUBJECT: Application no. ZT-83-04, York County Board of Supervisors: Approval Process for Single-Family Residential Construction and for Subdivisions in the YVA District

This application proposes amending Chapter 24.1, Zoning, of the York County Code to revise Section 24.1-327(b) of the YVA – Yorktown Village Activity District regulations to allow the construction of new single-family detached residences, or additions thereto, as a matter of right rather than requiring approval by the Board of Supervisors. In addition, the amendments propose to establish a procedure for Board of Supervisors' approval of any subdivision proposal in the YVA District.

Background

This application was sponsored as a companion action when the Board of Supervisors adopted the Yorktown Historic District and Yorktown Design Guidelines in December 2003. The Historic District provisions and Design Guidelines will become effective on June 1, 2004 and the processing of this application is timed so that these proposed amendments can be made effective concurrently.

Considerations

1. The Yorktown Historic District Ordinance is designed as an "overlay" district, which means that the land uses currently permitted in the YVA – Yorktown Village Activity District will remain the same and the architectural review procedures established by the Historic District will supplement those existing provisions. The current YVA regulations provide that all new construction, including single-family detached residences, must be reviewed and approved through the same procedures that are applicable for Special Use Permits. This process, which involves review and public hearing by both the Planning Commission and the Board, takes approximately 90 days. In addition, any proposed addition to a single-family residence requires review and approval by resolution of the Board of Supervisors, which requires approximately 30 days processing time. The Board of Supervisors established the requirement for Special Use Permit review for new single-family construction in 1999 as an interim measure while the historic district and design guidelines were under development and review and it was always envisioned to be a requirement that would be eliminated once the Design Guidelines process is in place. The premise of the use permit requirement was that it would allow the Planning Commission and the Board of Supervisors to influence, but not specifically control, architectural compatibility issues associated with new single family detached construction (or additions, or accessory structures).
2. The proposed amendments will return single-family detached construction and associated

accessory structures to a *matter-of-right* status in the YVA District. The yard, setback and dimensional requirements for single-family detached dwellings will remain the same as they are currently. In addition, the proposed amendments would provide an opportunity for the Planning Commission and Board of Supervisors to consider and approve proposals which involve lesser setbacks in accordance with the same procedures applicable to special use permit requests. This process would be unique to the YVA District (setback deviations would normally be reviewed by the Board of Zoning Appeals under the “variance” procedures) and would recognize the unique nature of Yorktown and the fact that there may be a distinct difference between a “hardship” situation (the standard by which the BZA must act) and something that the PC/BOS may deem compatible and consistent with Yorktown’s special character.

3. Whether a single-family detached residence (or addition, or accessory structure) is approved administratively or after PC/BOS consideration of alternative setbacks, the proposal will be subject (after June 1st) to review by the HYDC – Historic Yorktown Design Committee for compatibility with the requirements of the Yorktown Historic District and the Design Guidelines. It is this process that will allow architectural compatibility issues to be formally evaluated and addressed (per the enabling legislation set forth in the State Code). Accordingly, there is no need to retain the “interim” measure adopted in 1999.
4. This application also proposes to clarify/establish a procedure for review and approval of subdivision proposals in Yorktown. Section 24.1-327(d) of the YVA District regulations stipulate that there is no minimum lot size in the district and that “...*in its approval of a use, the board may establish such requirements as it deems necessary to ensure that the arrangement of the use or division of land is compatible...*” Given that the proposed amendments will convert single-family detached construction to a matter-of-right use and that single-family construction might involve a subdivision proposal, it is recommended that a clarifying paragraph (24.1-327(b)(7)) be added to ensure that any subdivision proposal will require Board of Supervisors’ approval of the lot size.

Recommendation

The Yorktown Historic District Overlay and the accompanying Yorktown Design Guidelines adopted in December 2003 were the product of an extensive and exhaustive review process. The accompanying recommendation to initiate this text amendment was intended to eliminate duplicate review of single-family detached construction and to depend on the architectural design guidelines to ensure that land uses (whether permitted as a matter of right or otherwise) are structurally and visually compatible with their surroundings and the special character of Yorktown. Accordingly, and in concert with previous discussions, staff recommends that this application be forwarded to the Board of Supervisors with a recommendation for approval. This may be accomplished through the adoption of proposed Resolution No. PC04-6.

Attachment:

- Proposed Resolution No. PC04-6